APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,926	01/12/2001	Stuart Berkowitz	668437600003	2772

7590 09/07/2006	EXAMINER	
John V. Biernacki	DUONG, THOMAS	
Jones, Day, Reavis & Pogue		
901 Lakeside Avenue	ART UNIT	PAPER NUMBER
North Point	2145	
Cleveland, OH 44114		

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/759,926	BERKOWITZ ET AL.
		Examiner	Art Unit
		Thomas Duong	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 June 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/25/05, 11/28/05</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to the applicants Amendment filed on June 5, 2006.

Applicant amended *claims 1 and 20*. *Claims 1-34* are presented for further

consideration and examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

3.   *Claims 1-17 and 20-32* are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dodrill et al. (US006738803B1), in view of Butler et al. (US006460057B1), and further in

view of Pickering (US006704708B1).

4.   With regard to *claims 1 and 20*, Dodrill discloses,

- *receiving voice application data over a network regarding the voice applications,*

  wherein the voice application data includes location data to indicate where the

  voice applications are located on the network; (Dodrill, col.8, lines 1-14, lines 54-*

  67)

  Dodrill discloses, *"the proxy browser 62 and the web browser 56 within the fat*

  client 42a and the thin client 42b execute voice enabled web applications by

sending data and requests to a web server 64" (Dodrill, col.7, lines 46-49) and

"the web server 64 preferably serves as an interface between the browsers and

an application server 66 that provides an executable runtime environment for

XML voice applications 68" (Dodrill, col.7, lines 54-57). Hence, Dodrill teaches of

the server receiving requests for accessing voice-enabled applications from

clients over the network.

However, Dodrill does not explicitly disclose,

- *storing in a database the voice application data in accordance with a*

  predetermined voice application taxonomy;

Butler teaches,

- *storing in a database the voice application data in accordance with a*

  predetermined voice application taxonomy; (Butler, col.2, line 5 – col.3, line 19;

  col.3, line 48 – col.4, line 47)

  Butler discloses *"a method of grouping data objects in a application processing*

  system, said data objects having a plurality of data categories, said method

  comprising: associating a plurality of data objects with a group; arranging the

  data objects into a sub-group within said group, each sub-group corresponding to

  the data category of the data object; creating a representation of the sub-groups"

  (Butler, col.2, lines 6-12). According to Butler, *"the database structures which*

  implement the described solution. The category of each data object is stored in

  the object category table" (Butler, col.3, line 50-52). Hence, Butler teaches of

  storing in a database the voice application data in a category table (i.e.,

  Applicants' taxonomy).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine the teachings of Butler with the teachings of

Dodrill to *"enable voice applications to be implemented on an IP packet switched*

network using the open standards-based flexibility of the IP network" (Dodrill, col.4,

lines 35-36) by providing a method for processing in an interactive voice processing

system that is able to acquire the user's voice input, process and analyze it, search

the database for the matching voice enabled application, and executing the

requested application to provide an answer to the user. In addition, according to

Butler, it is advantageous *"to assist with the organization of application objects, a*

concept of an application is introduced. This can be regarded as a container for

application objects which are required to deliver a voice application (or applications)"

(Butler, col.2, lines 13-16). Also, according to Butler, *"the grouping of the application*

objects is important at this stage so that the appropriate application objects may be

selected efficiently and without error" (Butler, col.1, line 67 – col.2, line 3).

However, Dodrill and Butler do not explicitly disclose,

- *receiving a request for a voice application based upon a user requiring a*

  telephony service, wherein the request includes search criteria for selecting a

  voice application from the database; and

- *retrieving from the database the location data of at least one voice application*

  whose stored voice application data substantially satisfies the search criteria;

- *wherein the voice application located at the retrieved location data is used to*

  perform the user-requested telephony service.

Pickering teaches,

- *receiving a request for a voice application based upon a user requiring a telephony service, wherein the request includes search criteria for selecting a voice application from the database; and* (Pickering, col.1, lines 21-33; col.2, line 15 - col.4, line 3; col.4, line 24 – col.6, line 65)

  Pickering discloses, *"a method for processing in an interactive voice processing system comprising: receiving a voice signal from user interaction"* (Pickering, col.2, lines 15-17), recognizing the user requested service from the user interaction, and passing the user requested service to the server for processing and responding to the user requested service. In addition, according to Pickering, *"a Voice Response server is a Voice Response for Windows NT clients. A variety of services are required, such as playing recorded voice segments or reading a database. The application manager 34 requests these . services form the telephony server 40 or database server 42"* (Pickering, col.5, lines 47-55). Hence, Pickering teaches of receiving the user's voice-enabled requested service through the network and searching the database for the corresponding application to the particular requested service.

- *retrieving from the database the location data of at least one voice application whose stored voice application data substantially satisfies the search criteria;* (Pickering, col.1, lines 21-33; col.2, line 15 - col.4, line 3; col.4, line 24 – col.6, line 65)

  Pickering discloses, *"a method for processing in an interactive voice processing system comprising: receiving a voice signal from user interaction"* (Pickering, col.2, lines 15-17), recognizing the user requested service from the user interaction, and passing the user requested service to the server for processing

and responding to the user requested service. In addition, according to

Pickering, *"a Voice Response server is a Voice Response for Windows NT*

clients. A variety of services are required, such as playing recorded voice

segments or reading a database. The application manager 34 requests these

services form the telephony server 40 or database server 42" (Pickering, col.5,

lines 47-55). Hence, Pickering teaches of receiving the user's voice-enabled

requested service through the network and searching the database for the

corresponding application to the particular requested service.

- *wherein the voice application located at the retrieved location data is used to*

  perform the user-requested telephony service. (Pickering, col.1, lines 10-45;

  col.10, lines 10-42)

  Pickering teaches of providing a response to the user's request *"based on*

  performing a search using keywords of the estimated text" (Pickering, col.10,

  lines 41-42), wherein the estimated text is derived from the voice input of the

  user. In addition, according to Pickering, in a banking application using

  interactive voice response with speech recognition a *"voice signal is acquired*

  and speech recognition is performed on the voice signal to create text [and] once

  the speech recognition is finished and the text is formed is the text response

  analyzed and processed for a result" (Pickering, col.1, lines 36-39). Finally, *"this*

  result is passed to a banking application to search and provide the answer"

  (Pickering, col.1, lines 44-45). Hence, Pickering teaches of receiving the user's

  voice-enabled requested service through the network and searching the

  database for the corresponding application to the particular requested service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine the teachings of Pickering with the teachings of

Dodrill and Butler to *"enable voice applications to be implemented on an IP packet*

switched network using the open standards-based flexibility of the IP network"

(Dodrill, col.4, lines 35-36) by providing a method for processing in an interactive

voice processing system that is able to acquire the user's voice input, process and

analyze it, search the database for the matching voice enabled application, and

executing the requested application to provide an answer to the user.

5.   With regard to *claims 2, 11-12, 21 and 30*, Dodrill, Butler, and Pickering disclose,

- *wherein the voice application data includes voice application operational*
  requirement data, said method further comprising the steps of:
  - *receiving from a telephony server telephony server attribute data, wherein the*
    telephony server is an interface between the user and the database; and
    (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61;
    Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering,
    col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines
    10-42)
  - *retrieving from the database the location data of at least one voice application*
    whose voice application operational requirement data substantially satisfies
    the telephony server attribute data. (Dodrill, col.7, lines 46-67; col.8, lines 1-
    14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3,
    line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3,
    line 33 – col.4, line 3; col.10, lines 10-42)

6.   With regard to _claims 3 and 22_, Dodrill, Butler, and Pickering disclose,

- *wherein the voice application data includes voice markup language data which*

  indicates type of voice markup language used in the voice applications, said

  method further comprising the step of:

  - *retrieving from the database the location data of at least one voice application*

    whose voice markup language data substantially satisfies the search criteria.

    (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61;

    Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering,

    col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines

    10-42)

7.   With regard to _claims 4 and 23_, Dodrill, Butler, and Pickering disclose,

- *wherein the voice application data includes speech engine requirement data,*

  said method further comprising the steps of:

  - *receiving from a telephony server telephony server attribute data which*

    indicates which speech engines are operational within the telephony server;

    and (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-

    61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47;

    Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3;

    col.10, lines 10-42)

  - *retrieving from the database the location data of at least one voice application*

    whose speech engine requirement data substantially satisfies the telephony

    server attribute data. (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67;*

col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4,

line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4,

line 3; col.10, lines 10-42)

8.   With regard to *claims 5-9 and 24-28*, Dodrill, Butler, and Pickering disclose,

   - *wherein the voice applications are VoiceXML applications* (Dodrill, col.7, lines 46-
     67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3,
     line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-
     22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

   - *wherein the network is a global communications network.* (Dodrill, col.7, lines 46-
     67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3,
     line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-
     22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

   - *wherein the network is an Internet network.* (Dodrill, col.7, lines 46-67; col.8, lines
     1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line
     48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 –
     col.4, line 3; col.10, lines 10-42)

   - *wherein the location data is a Uniform Resource Locator (URL) which indicates
     where on the network the voice applications are located on the Internet network.*
     (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler,
     col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines
     10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

   - *wherein the database is a relational database.* (Dodrill, col.7, lines 46-67; col.8,
     lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19;

col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22;

col.3, line 33 – col.4, line 3; col.10, lines 10-42)

9.   With regard to *claims 10 and 29*, Dodrill, Butler, and Pickering disclose,

- *wherein the voice application taxonomy includes classifications selected from the group consisting of required speech engine resources, required telephony resources, required telephony markup language, required application server environment, and combinations thereof* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

10.   With regard to *claims 11-12 and 30*, Dodrill, Butler, and Pickering disclose,

- *further comprising the step of: receiving the request for a voice application through a telephony server that is connected to the user.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

- *wherein the search criteria includes the nature of the telephony service requested by the user.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

11.   With regard to *claims 13-14 and 31-32*, Dodrill, Butler, and Pickering disclose,

- *further comprising the step of: providing the voice application data through a graphical user interface that is in data communication with the network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

- *wherein the graphical user interface allows retrieving location data of at least one of the voice applications based upon criteria specified through the graphical user interface.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

12.   With regard to *claims 15-17*, Dodrill, Butler, and Pickering disclose,

- *reviewing the voice application data to ensure accuracy of the voice application data.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

- *reviewing the voice application data to verify the location data of the voice applications on the network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

13.   *Claims 18-19 and 33-34* are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dodrill et al. (US006738803B1), in view of Butler et al. (US006460057B1), in view of

Pickering (US006704708B1), and further in view of DaCosta et al. (US006665658B1).

14.   With regard to *claims 18-19 and 33-34*, Dodrill, Butler, and Pickering disclose,

Dodrill, Butler, and Pickering teach *claims 1 and 20* as detailed above.

However, Dodrill, Butler, and Pickering do not explicitly disclose,

- *sending on the network an automated searching spider to locate and index*

  additional voice applications that are located on the network.

- *wherein the spider is sent when a search of the database does not retrieve*

  based upon the search criteria any location data for the voice applications.

DaCosta teaches,

- *sending on the network an automated searching spider to locate and index*

  additional voice applications that are located on the network. (DaCosta, col.2,

  lines 45-61; col.6, lines 21-40)

- *wherein the spider is sent when a search of the database does not retrieve*

  based upon the search criteria any location data for the voice applications.

  (DaCosta, col.2, lines 45-61; col.6, lines 21-40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine the teachings of DaCosta with the teachings of

Dodrill, Butler, and Pickering to *"enable voice applications to be implemented on an*

IP packet switched network using the open standards-based flexibility of the IP

network" (Dodrill, col.4, lines 35-36) by providing a method for processing in an

interactive voice processing system that is able to acquire the user's voice input,

process and analyze it, search the database for the matching voice enabled

application, and executing the requested application to provide an answer to the

user. In addition, DaCosta teaches of locating additional resources when necessary.
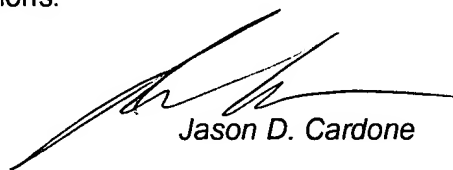
Response to Arguments

15.   Applicant's arguments with respect to *claims 1-34* have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

16.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thomas Duong whose telephone number is 571/272-3911. The

examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone

can be reached on 571/272-3933. The fax phone numbers for the organization where

this application or proceeding is assigned are 571/273-8300 for regular communications

and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)   *Jason D. Cardone*

September 1, 2006   *Supervisory PE (AU2145)*